

**89-141**

No.

Supreme Court, U.S.

**FILED**

**JUL 20 1989**

JOSEPH F. SPANIOLO, JR.  
CLERK

In the Supreme Court of the United States

OCTOBER TERM, 1989

LEO M. MULLEN, M.D.

Petitioner,

vs.

FRANK T. GALATI, NOEL A. FIDEL,  
NORMAN BANCHEK, JAMES E. RICHARDSON,  
GERALD KRIEHN, SCOTT BENSON AND  
PAULA BENSON, and TICOR TITLE COMPANY.

Respondents

CASE NUMBER 89-1392-M U.S. COURT OF APPEALS  
FOR 8th CIRCUIT  
CASE NO. CV-87-63-CV-W-5.

**PETITION FOR WRIT OF CERTIORARI TO THE  
SUPREME COURT OF THE UNITED STATES THRU  
THE 8th COURT OF APPEALS, U.S. COURT HOUSE  
1114 MARKET ST.**

ST. LOUIS, MO. 63101—ROBERT D. ST. VRAIN, CLERK

Leo M. Mullen, M.D. Pro Se

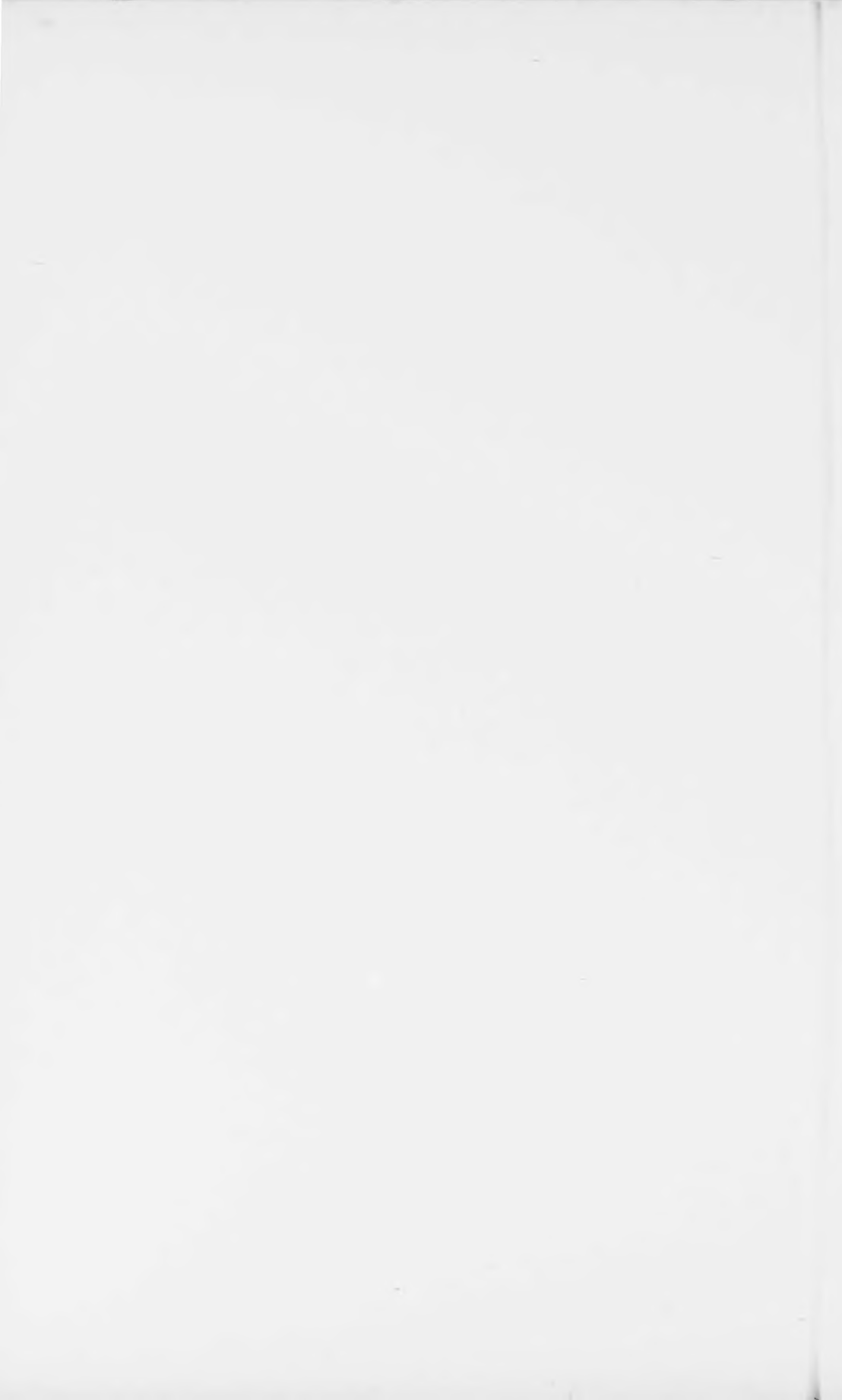
4443 Paseo Bl.

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Emerg No. Nites 1-913-362-2602.

LEO M. MULLEN, M.D. PRO SE.  
LAST ORDER OF THE COURT — 4-21-1989



**QUESTIONS PRESENTATED FOR REVIEW BY THE  
SUPREME COURT OF THE UNITED STATES:**

1. THE plaintiff filed PRO SE and it was immediately noted that the HON. JUDGE WRIGHT WAS SEVERELY BIASED AND PREJUDICED WITH A BENT MIND. HE dismissed the petition even before service had been made on all the parties HE then stated that the court would dismiss for failure to prosecute and subsequently did so without any recourse to the PRO SE plaintiff. THE SAID JUDGE WRIGHT has been seriously biased and prejudiced against the plaintiff for reasons unknown other than that he is being partial to the lawyers involved. THE said JUDGE WRIGHT made an issue whether a guardian AD LITEM should be assigned because he was so biased and prejudiced that he was attempting to believe some news paper articles about the plaintiff in 1981. AT a later date a false affidavit was filed in which the atty BRADLEY J. BAUMGART filed an affidavit of a lawyer in charge of TICOR TITLE in MO. as well as in CAL. and other states. THE parties who filed the false affidavit have never been prosecuted as yet and the affidavit which was false was accepted by JUDGE WRIGHT as true when he knew it was not true and the PRO SE plaintiff had filed in the record evidence that TICOR title had issued a TITLE INSURANCE POLICY on a property which the said plaintiff had an interest. THE PRO SE plaintiff present in this filing an affidavit of the TREASURER of the GENERAL HOLDINGS CORP. which was owned 25% by LEO M. MULLEN, M.D.

2. THE PLAINTIFF relies heavily on MULLEN VS SULLIVAN et al in the EASTERN DISTRICT of NEW YORK about 1980 in which the HON. JUDGE MARK CONSTANTINO was declared guilty of impermissible judicial conduct and the case used was U.S. VERSUS NAZARRO. THE JUDGE WRIGHT and the 8th court of appeals have not responded to the filings of the plaintiff and have erred in issuing their last order on 4-21-89



which was a few days before the appellant brief arrived so that the 8th court of appeals did not respond properly to the filing by the plaintiff.

## **PARTIES TO THE PROCEEDINGS**

The case arose from a case in PHOENIX ARIZONA in which the judges failed to consider the case and it was filed in KANSAS CITY, MO.

PARTIES INVOLVED at present are:

1. FRANK T. GALATI, 2. NOEL A. FIDEL, 3. NORMAN BANCHIK, 4. JAMES E. RICHARDSON, 5. GERALD KRIEHN, SCOTT BENSON and PAULA BENSON and TICOR TITLE INSURANCE CO.

RESPONDENTS.



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### REASON FOR GRANTING WRIT:

THE case was won through fraud and the JUDGE CONTRIBUTED TO THE fraud by failing to recognize that he was so terribly biased and prejudiced and had a bent mind that he should have gotten off the case as he was unable to make any decision that would be impartial. THE lawyers in KANSAS CITY and the ATTY who filed the false affidavit knew that the affidavit knew that the affidavit was false and that they were breaking the law but were allowed to do so by the judge in KANSAS CITY the JUDGE SCOTT WRIGHT AND THE APPELLATE COURT held up this corruption by making the plaintiff appear the one involved. THE plaintiff has an additional affidavit filed by the TREASURER of the GENERAL HOLDINGS CORP. which sold a property in KANSAS CITY in 1982 with the issuance of a guaranteed title and that the TICOR was definitely operating in KANSAS CITY and registered in JEFFERSON CITY, MO.



# TABLE OF AUTHORITIES

## Cases

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## **STATEMENT OF JURISDICTION**

THE judgement of the UNITED STATES COURT OF APPEALS denying rehearing was entered APRIL 21st, 1989. THE Supreme court has jurisdiction pursuant to RULE——28-U.S.C. NO 1254 (1).

### **STATEMENT OF THE CASE:**

THE complaint was filed and taken over by JUDGE SCOTT WRIGHT who refused to get off the case even though he had known that the plaintiff on previous cases had requested his release so that justice could be obtained. THE filing was dismissed and the plaintiff was fined which was out of spite by the JUDGE SCOTT WRIGHT. THE attempts to collect from the plaintiff have not been honored but \$135.00 was collected from one bank account and the plaintiff was entitled to at least \$1500.00 exemption so that should not have been allowed by JUDGE WRIGHT BUT THIS WAS NOT CONSIDERED BY THE 8TH COURT OF APPEALS WHO HAVE HONORED THE FRAUD INVOLVED UNDER THE APPROVAL OF JUDGE SCOTT WRIGHT who should be found guilty as a minimum of impermissible judicial conduct for allowing a false affidavit to cause his dismissal to prevail.

### **FURTHER reasons for GRANTING THE WRIT OF CERTIORARI**

THE decision of JUDGE WRIGHT conflicts with other decisions and other circuit courts of appeal. THE decision in many of the cases presentated are outlined.

IN the case of LINK vs WABASH RR CO., 370 U.S. 626, 82 SUP CT. 1386 (1962) there is an example where the case was reversed and the case sent back for trial as this case should be.



IN the disposition on the merits see DYOTHERM CORP. vs TURBO MACHINE CO. 392 F 2nd, 146-(1968-CA3, PA). There are always alternatives to dismissal—see the cases INDUSTRIAL MATERIALS CO. vs INTERNATIONAL CORP. 453-F2nd347 (1972 CA7 TEX.) and POND vs BRANIFF, 453 F2ND 347 (1972 CA7, TEX.). THE lower courts failed to consider the case and the issuance of judgments against the plaintiff are without precedence. THIRD CIR. decisions POULIS vs STATE FARM, 747 F2nd 863 (1984 CA3) and SCARBOROUGH vs EUBANKS, 747 F2nd 871 (1984 CA 3) provide guidelines for sanctions which did not exist herein.





**AFFIDAVIT**

I, MARTHA M. CRAYBILL, 6742 KENWOOD ST. KANSAS CITY, MO. after being duly sworn do hereby state under oath that the DOWNTOWN HOSPITAL CLOSED on JUNE 30th, 1981 and the hospital was put up for sale which title was held in the name of the GENERAL HOLDINGS CORPORATION. THE title search which was required for the sale shortly thereafter was made and documented by the TICOR TITLE COMPANY of CALIFORNIA WHICH TITLE COMPANY HAD OFFICES IN KANSAS CITY, MO. THE documentation was issuance of the title policy was satisfactory and the title policy was issued by the TICOR TITLE INSURANCE CORP. AT the time I was treasurer of the GENERAL HOLDINGS CORP and paid the bills and handled the money for the sale to distribute to the various parties who held the various amount of the ownership

FURTHER AFFIANT SAYETH NOT.

(s) General Holdings Corporation

Martha M. Craybill, Treasurer

MARTHA M. CRAYBILL, 6742 KENWOOD ST.  
KANSAS CITY, MO 816-523-7254



**MISSOURI ACKNOWLEDGMENT**

STATE OF MISSOURI-  
COUNTY OF JACKSON-

ON this 17th day of JULY 1989 before me appeared MARTHA M. CRAYBILL of above address and after being duly sworn stated that this was a true statement to best of her knowledge and belief.

IN witness whereof, I have set hereunto my hand and affixed my notary seal in my office at KANSAS CITY, MO. the day and year last above written

(s) Martin L. Villa

NOTARY PUBLIC within and for said COUNTY AND  
STATE

MY commission expires 10/14/89

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**UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT**

No. 89-1392

\*

\*

Leo M. Mullen, M.D.,  
Appellant,

\*

\*

\*

v.

\*

\*

Frank T. Galati; Noel A. Fidel;  
Norman Banchik; James E.  
Richardson; Gerald Kriehn;  
Scott Benson; and Paula Benson;

\*

\*

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\*

Appellees.

\*

Appeal from the  
United States District  
Court for the Western  
District of Missouri

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Filed: April 21, 1989

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Dr. Leo M. Mullen appeals from the order of the district court denying Mullen's request that the court set aside its judgment and recuse itself from this case involving real estate transactions in Arizona. This court has already affirmed the judgment of the district court, see Mullen v. Galati, 843 F.2d 293 (8th Cir. 1988) (per curiam), and has rejected the very arguments Mullen now raises—that the district court was biased against Mullen. Id. at 294 (ordering appellant to show cause why sanctions should not be awarded for frivolous appeal characterized by “improvident, insolent and scandalous language” used in brief). It is clear, therefore, that the instant appeal is entirely without merit and should be dismissed as frivolous. See 8th Cir. R. 12(a).

It is so ordered

(s) Robert D. St. Vrain  
Clerk - 8th Circuit



**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

LEO M. MULLEN	)	
Plaintiff/	)	
Judgment-Debtor	)	
v.	)	Civil No.
TICOR TITLE	)	98-0063-CV-W-5
INSURANCE COMPANY,	)	
OF CALIFORNIA, et al.,	)	
Defendants	)	

**ORDER**

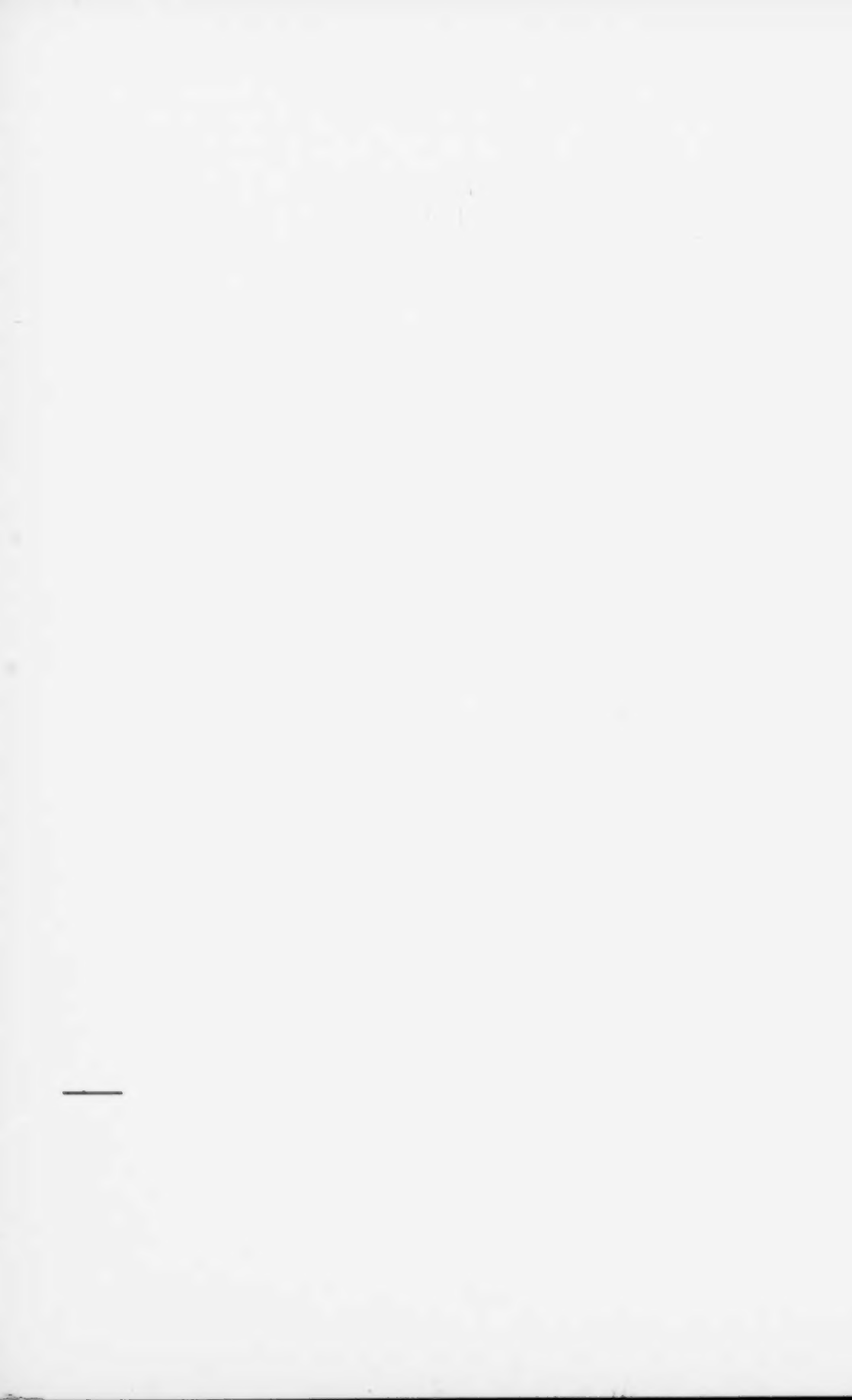
Upon motion of defendant Ticor Title Insurance Company of California for examination of the plaintiff/judgment-debtor, for good cause appearing and it appearing that this is a proper case for the appearance of the plaintiff/judgment-debtor; it is hereby

ORDERED that plaintiff/judgment-debtor Leo M. Mullen, M.D., appear on the 11th day of August, 1989 before United States Magistrate John T. Maughmer, at Room 225, United States Courthouse, 811 Grand Avenue, Kansas City, Missouri, at 9:30 o'clock a.m., to undergo an examination of oath concerning the property, ability and means of the plaintiff/judgment-debtor herein to satisfy the judgment rendered on May 11, 1988. It is further

ORDERED that failure of plaintiff/judgment-debtor to appear may subject him to arrest and punishment for contempt of Court. It is further ordered that copy be served on LEO M. MULLEN.

SIGNED

JOHN T. MAUGHMER—U.S. MAGISTRATE.





## CONCLUSION AND CERTIFICATION OF SERVICE

THE bent mind of JUDGE SCOTT WRIGHT was so bad that he even wanted to appoint a guardian for the plaintiff because of previous knowledge that the plaintiff had high blood pressure and had toxicity from anti hypertensive therapy. This, in itself, without the fact the JUDGE SCOTT WRIGHT did not at any time try to consider the fraud involved although the plaintiff made it clear from the filings that the TICOR TITLE was involved in buying out the PIONEER NATIONAL TITLE in K.C. and other states and took over their operation with all of the persons on the BD. in KANSAS CITY having residence in CALIFORNIA. All of this was in the record and ignored and instead the plaintiff was fined and is being made to pay when the fact exists that criminal charges are needed.

## CERTIFICATION OF SERVICE

COPIES prepaid this 19th day of JULY to the SUP COURT IN Washington D.C. and to GARY A. FIDELL, OFFICE OF THE ATTY GEN—PHOENIX ARIZONA. TO SIMON B. BUCKNER, and BRADLEY J. BAUMGART, % of SHUGARD THOMPSON and KILROY 17th FLOOR—120 West 12th St, KANSAS CITY, MO. 64105

*Leo M. Mullen*  
LEO M. MULLEN, M.D. PRO SE

4443 PASEO BLVD. KANSAS CITY, MO. 64110

1-816-921-5411 or nites 1-913-362-2602